

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

CR 23-40132-01
23-40132-02
23-40132-03

v.

RAFAEL HERNANDEZ-CRUZ,
WILMER CASTILLO-TORRES, and
WALKEN LUIS MEDINA,

MOTION FOR FINAL ORDER
OF FORFEITURE

Defendants.

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case.

In the Amended Superseding Information and Superseding Informations in this case, and based on the motion by the United States, the United States sought forfeiture of the following property pursuant to 18 U.S.C. §§ 982(a)(2) and (a)(6) and 1028(b), (g) and (h) and 28 U.S.C. § 2461(c), described as follows:

- a. an HP laptop with serial number 5CD032KMJL;
- b. a Chromebook laptop with serial number YX05TA3X;
- c. a DJI Pocket Camera with SD Card;
- d. a “Badgy200” ID card maker;
- e. 61 blank PVC cards;
- f. and iPhones (including a silver iPhone S, a rose iPhone, two black iPhones, a rose iPhone in a clear case, and a blue iPhone in a dark blue case).

On May 8, 2024, this Court entered a Preliminary Order of Forfeiture (Doc. 139) regarding the above-described property, forfeiting the property pursuant to 18 U.S.C. §§ 982(a)(2) and (a)(6) and 1028(b), (g) and (h) and 28 U.S.C. § 2461(c).

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure and this Court's Preliminary Order of Forfeiture, the United States Attorney's Office published notice of the forfeiture of the above-described property, and the requirements for filing a claim for the property for thirty days, from May 15, 2024, through and including June 13, 2024, at www.forfeiture.gov. A Declaration of Publication was filed herein on June 17, 2024, specifying the details of these publications.

Pursuant to Fed. R. Crim. P. 32.2(c)(2), any person asserting a legal interest in the property subject to forfeiture may, within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of his/her alleged interest in the property.

No claims were filed within that thirty-day period. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture as proposed in the attached order.

Date: August 21, 2024.

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/s/ Carl Thunem

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